

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**EASTERN DIVISION**

**U.S.A. vs. George Henry Midgette**

**Docket No. 4:05-CR-110-1D**

**Petition for Action on Supervised Release**

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of George Henry Midgette, who, upon an earlier plea of guilty to Possession of a Firearm by Felon, in violation of 18 U.S.C. § 922 (g)(1), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on September 11, 2006, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

George Henry Midgette was released from custody on May 19, 2010, at which time the term of supervised release commenced.

Based on an October 18, 2010, positive urinalysis for cocaine and marijuana, supervision was modified by the court via waiver on November 1, 2010, to require Midgette's participation in the DROPS program, including an immediate 2-day jail term. Midgette also completed a 5-day DROPS sanction on January 12, 2011, based on a positive drug test for cocaine on October 27, 2010.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** Midgette recently reported mental health issues resulting from him being sexually abused as a teenager and the inclination for him to use illicit drugs to mask the pain. Accordingly, the offender was referred to Port Services on January 25, 2011, to address these issues. A urine specimen obtained from Midgette on February 17, 2011, tested positive for cocaine and was confirmed by the releasee. Due to his current participation in treatment and significant delays in DROPS designation, it is recommended Midgette be sanctioned with 30 days home confinement including location monitoring, in lieu of a 10-day DROPS jail placement. This measure will allow Midgette to remain engaged in treatment, yet restrict his freedom in the community when not at work and treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear a location monitoring device and follow location monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson  
Dennis E. Albertson  
Senior U.S. Probation Officer  
413 Middle Street, Room 304  
New Bern, NC 28560-4930  
Phone: (252) 638-4944  
Executed On: February 28, 2011

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**ORDER OF COURT**

Considered and ordered this 1 day of March, 2011, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "James C. Dever III", is written over a horizontal line.

James C. Dever III  
U.S. District Judge